

**ATTORNEY DOCKET NO.
020533.0197 (2001P20554US)****PATENT APP. SERIAL NO.
09/712,017****BEST AVAILABLE COPY****REMARKS**

Claims 5-11, 13, 14, 17, 18, 21, 31, 61, 68, 71 have been amended, claims 12,-14 have been canceled, and claims 83-85 have been added. Claims 5-11, 16-18, 21-26, 31-33, 35-41, 61, 68, 69, and 71-79, 83-85 are pending in the application. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to rejections under Sections 102

Claims 5-14, 16-18, 21-26, 31-33, 35-41, 61, 68, 69, and 71-79 stand rejected under 35 U.S.C. 102(b) as being anticipated by Romohr (USPN 5,596,723). For the reasons presented below, Applicants respectfully request the withdrawal of the Section 102 rejections.

Claims 5-11, 16-18

Applicants have amended independent claim 5 to recite automatically identifying a first and second valid protocol for configuration with the customer premises equipment (CPE) (see e.g., page 23 line 30 - page 24 line 2). In contrast, Romohr (USPN 5,596,723) discloses identifying and configuring the CPE with one protocol (prevalent network frame type) (see e.g., Abstract). Romohr only identifies a single prevalent protocol whereas Applicants' identify multiple valid protocols. Identifying multiple valid protocols is not a mere design choice but facilitates configuring the CPE with the ability to communicate using a plurality of identified protocols.

**ATTORNEY DOCKET NO.
020533.0197 (2001P20554US)****PATENT APP. SERIAL NO.
09/712,017**

Furthermore, Applicants have amended independent claim 5 to recite configuration with the customer premises equipment without prompting a user for information (see e.g., page 5 lines 21-24). In contrast, Romohr teaches prompting the user for various information such as to enter the autoseup network environment and to accept the autoseup configuration (see e.g., Figures 4A-4M). Not prompting the user for information is not a mere design choice but advantageously allows configuration without user intervention.

In view of the above, independent claim 5 is patentable. Dependent claims 6-11, and 16-18 are also patentable at least based on their dependency from claim 5 as well as based on their own merit. Applicants respectfully request the withdrawal of the Section 102 rejection to claims 5-11, and 16-18.

Claims 21-26

Applicants have amended independent claim 31 to recite identifying and configuration of the valid virtual channel and valid protocol are provided without prompting a user for information (see e.g., page 5 lines 21-24). In view of the remarks made for claim 5, independent claim 21 is patentable. Dependent claims 22-26 are also patentable at least based on their dependency from claim 21 as well as based on their own merit. Applicants respectfully request the withdrawal of the Section 102 rejection to claims 21-26.

Claims 31-33, 35-41

Applicants have amended independent claim 31 to recite communicating over a plurality of virtual channels and toward a destination network element a probing configuration signal,

ATTORNEY DOCKET NO.
020533.0197 (2001P20554US)

PATENT APP. SERIAL NO.
09/712,017

each of the plurality of virtual channels being a logical signal connection (see e.g. page 2 lines 6-12). In contrast, Romohr broadcasts a probing configuration signal to a plurality of devices. Communicating over a plurality of virtual channels is not a mere design choice but facilitates identifying valid virtual channels.

Claim 61

Applicants have amended independent claim 61 to recite configuration with the customer premises equipment without prompting a user for information (see e.g., page 5 lines 21-24). In view of the remarks made for claim 5, Applicants respectfully request the withdrawal of the Section 102 rejection to claim 61.

Claims 68, 69, 71-79

Applicant has amended claim 68 to recite the probing signal operable to identify ... without retrieving ... the valid protocol from a predefined look-up table (see e.g., page 16, 19-21). In contrast, Romohr teaches retrieving the protocols to be identified from a predefined look-up table (see e.g., col 9 lines 50-56. In view of the foregoing remarks, Applicants respectfully request the withdrawal of the Section 102 rejection to claim 68.

In view of the above, independent claim 68 is patentable. Dependent claims 69, and 71-79 are also patentable at least based on their dependency from claim 68 as well as based on their own merit. Applicants respectfully request the withdrawal of the Section 102 rejection to claims 68, 69, 71-79.

ATTORNEY DOCKET NO.
020533.0197 (2001P20554US)

PATENT APP. SERIAL NO.
09/712,017

Response to rejections under Sections 103

Claims 6, 8-10, 22-24, 32, 69, and 78 stand rejected under 35 U.S.C. 102(a) as being unpatentable over Romohr (USPN 5,596,723). Claims 17, 40, and 71 stand rejected under 35 U.S.C. 102(a) as being unpatentable over Romohr in view of Marullo et al. (USPN 6,185,701).

For at least the reasons discussed in connection with the Section 102 rejections response, Applicants respectfully request the withdrawal of the 103 rejections for claims. In addition, dependent claims 6, 8, 9, 10, and 23 are patentable for the reasons discussed below.

New Claims 83-85

New claims further define the scope of the invention as described in the specification and drawings. In view of the foregoing remarks regarding the other claims, Applicants respectfully submit claims 83-85 as patentable and request allowance of claims 83-85.

2001P200554US OAR JDH.DOC
18 of 19

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ATTORNEY DOCKET NO.
020533.0197 (2001P20554US)**PATENT APP. SERIAL NO.**
09/712,017**Conclusion**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to char any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

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Respectfully submitted,

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2001P200554US OAR JDH.DOC
19 of 19**BEST AVAILABLE COPY**